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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,231	02/02/2004	Jay S. Walker	03-063	9492
22927	7590	07/24/2008		
WALKER DIGITAL MANAGEMENT, LLC			EXAMINER	
2 HIGH RIDGE PARK			NGUYEN, BINH AN DUC	
STAMFORD, CT 06905				
		ART UNIT	PAPER NUMBER	
		3714		
		MAIL DATE	DELIVERY MODE	
		07/24/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/770,231

Applicant(s)

WALKER ET AL.

Examiner

Binh-An D. Nguyen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The Response filed May 9, 2008 has been received. Currently, claims 17-20 are pending in the application. Acknowledgment has been made.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Seelig et al.(5,560,603).

Referring to claim 20, Seelig et al. teaches an apparatus comprising: a memory; a communication port; and a processor operative to communicate with the memory and the communication port, wherein the processor is further operable to: perform a method comprising: determining a first event (slot game combination generation event) that occurs during play of a gaming device (3:32-38); determining a first payout for the first event (e.g., first winning indicia combination occurred at the slot machine)(3:32-38); providing the first payout to a player associated with the first event (e.g., paying first winning outcome of slot game)(3:32-38); determining a second event (e.g., the racing game)(3:5-31, 40-55) that occurs during play of the gaming device, the second event (e.g., the horse or car racing) occurring at a time after a time at which the first event (slot game combination generation event) occurs (3:5-31, 40-55); determining a second

payout for the first event (e.g., second winning indicia combination occurred at the slot machine), based on the subsequent occurrence of the second event (racing game, e.g., horse moving forward); and providing the second payout to a player associated with the first event (e.g., paying second winning outcome of slot game)(3:56-4:7), thereby providing a retroactive payout (slot winning payout) for the first event (slot game combination generation event)(3:5-31, 40-55; 3:56-4:7). Note that, the limitations of a memory, a communication port, and a processor operative to communicate with the memory and the communication port are inherent from the electronic slot machines and controllers thereto (4:8;5:9).

Referring to claim 17, the apparatus of Seelig et al. addressed above is capable of performing a method for directing a gaming device, comprising: determining a first event (slot game combination generation event) that occurs during play of a gaming device (3:32-38); determining a first payout for the first event (e.g., first winning indicia combination occurred at the slot machine)(3:32-38); providing the first payout to a player associated with the first event (e.g., paying first winning outcome of slot game)(3:32-38); determining a second event (e.g., the racing game)(3:5-31, 40-55) that occurs during play of the gaming device, the second event (e.g., the horse or car racing) occurring at a time after a time at which the first event (slot game combination generation event) occurs (3:5-31, 40-55); determining a second payout for the first event (e.g., second winning indicia combination occurred at the slot machine), based on the subsequent occurrence of the second event (racing game, e.g., horse moving forward); and providing the second payout to a player associated with the first event

(e.g., paying second winning outcome of slot game)(3:56-4:7), thereby providing a retroactive payout (slot winning payout) for the first event (slot game combination generation event)(3:5-31, 40-55; 3:56-4:7).

Referring to claim 18, Seelig et al. teaches determining the first event comprises at least one of: determining an occurrence of a first outcome; and determining an occurrence of a first symbol, e.g., result of indicia combination of slot machine (3:32-38).

Referring to claim 19, Seelig et al. teaches determining the second event comprises at least one of: determining an occurrence of a second outcome; and determining an occurrence of a second symbol (3:40-48).

Note that, according to the teaching of Seelig, the slot machine generates a plurality of indicia combinations, some combinations include winning slot combinations having monetary payments (e.g., first, second, third winning combinations), and some combinations which move the racing element and having no monetary payments (3:33-60). Further, as being addressed above, the first event is the slot game and the second event is the racing game.

Response to Arguments

Applicant's arguments filed May 9, 2008 have been fully considered but they are not persuasive.

Applicant argued that Seelig does not teach or suggest the limitations of "determining a secondary payout for the first event, based on the subsequent occurrence of the second event;" and "providing the second payout to a player

associated with the first event, thereby providing a retroactive payout for the first event.” (Applicant’s remark, page 4, last full paragraph) is deemed not to be persuasive.

Seelig et al. teaches determining a second payout (e.g., second slot winning combination) for the first event (slot game combination generation event), based on the subsequent occurrence of the second event (racing game, e.g., horse moving forward); and providing the second payout to a player associated with the first event (e.g., paying second winning outcome of slot game)(3:56-4:7), thereby providing a retroactive payout (slot winning payout) for the first event (slot game combination generation event)(3:5-31, 40-55; 3:56-4:7). Seelig, therefore, anticipated applicant’s claimed limitations.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

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